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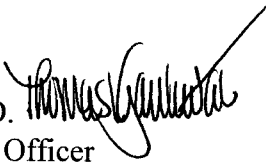
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October 27, 2004

TO: Each Supervisor

FROM: Thomas L. Garthwaite, M.D.   
Director and Chief Medical Officer

Jonathan E. Fielding, M.D., M.P.H.   
Director of Public Health and Health Officer

SUBJECT: **ADULT FILM INDUSTRY HEALTH AND SAFETY UPDATE**

On April 20, 2004, the Board instructed the Department of Health Services (DHS) to report back on actions which can be taken by California Occupational Safety and Health Administration (Cal/OSHA) or the local health officer to assure safety in the adult film industry. This memorandum is an update to my July 27, 2004 report.

The following recent activities have being undertaken by DHS, or other agencies working in collaboration with DHS, to address the recent outbreak of four connected HIV cases in the adult film industry, and to develop long-term policy solutions to safeguard the health of adult film workers.

**New Developments:**

- 1) DHS Investigation. DHS has interviewed the index case and all three female adult film performers believed to be infected with HIV through workplace exposure to the index case in March 2004. DHS has also interviewed another individual identified with HIV in the adult film industry who is not evidently connected to any of the other recent cases. The index case and the three female performers have all been referred to HIV care resources as appropriate. DHS has also been in communication with physicians treating all four individuals, including a physician treating one of the female performers in Canada, and has had blood specimens

from these four individuals sent to CDC DHAP for sequencing. The results of the sequencing are pending. The principal aspects of this investigation are now concluded.

- 2) Cal/OSHA Accident Investigation. Cal/OSHA initiated an investigation into the recent outbreak on June 4, 2004. As a result of this investigation, on September 15, 2004, Cal/OSHA issued citations to two production companies involved in film production during which, according to the citations, at least three employees contracted HIV. The two companies, Evasive Angles and TTB Productions, each received citations for failing to comply with the state's bloodborne pathogen standard (T8 CCR §5193), and failing to report a serious work related illness to Cal/OSHA (T8 CCR §342(a)). These citations carried the maximum penalties of \$25,000 and \$5,000, respectively (Attachment I). Citations were also issued for failing to record injuries and illnesses of employees (T8 CCR §14300.4), carrying a penalty of \$375, and failing to prepare and follow a written injury and illness prevention program, or IIPP (T8 CCR §3203), carrying a penalty of \$185.
- 3) Adult Film Industry Worker Health and Safety Work Group. LAC DHS has continued to collaborate with Cal/OSHA, NIOSH, CDC DHAP, CA DHS, the LA City Attorney, the office of CA Assemblyman Paul Koretz (Chair, Committee on Labor and Employment), LAC CAO Intergovernmental Relations, and County Counsel to improve industry compliance with existing Cal/OSHA regulations, and to explore additional approaches to maximize employee health and safety protection in this industry. A draft model Exposure Control Plan (ECP) for industry employers, to facilitate compliance with the bloodborne pathogens and IIPP standards, was prepared by the LAC STD Program and reviewed by representatives of the above agencies (and LAC OAPP and Public Health) in a conference call on September 15, 2004. This ECP will be finalized by the end of 2004.
- 4) NIOSH and CDC DHAP Technical Assistance. At LAC DHS's request, staff from CDC NIOSH and the CDC Division of HIV/AIDS Prevention, National Center for HIV, STD and TB Prevention (NCHSTP) visited LA on May 18-19, 2004, to provide technical assistance with health hazards in the adult film industry. A trip report was issued by DHAP on June 1. A NIOSH report on the industry is still in preparation.
- 5) California Department of Industrial Relations (DIR) Webpage. In the first half of September, 2004, the state Department of Industrial Relations added a page to its website, <http://www.dir.ca.gov/dosh/AdultFilmIndustry.html>, focusing on "vital information for workers and employers in the adult film industry." The web page reviews industry health hazards, applicable Cal/OSHA standards (including bloodborne pathogens) and requirements, and resources for further information and assistance.
- 6) Ongoing Dialogue with Industry Members. DHS staff has continued to engage in ongoing dialogue with industry producers and performers.

- 7) Letters to Adult Industry Medical (AIM) and Adult Film Company Custodians of Records. Jonathan E. Fielding, M.D., Director of Public Health and Health Officer, sent letters to the Executive Director and the Medical Director of AIM, the primary agency that provides STD and HIV testing for adult film workers, and to 760 adult film production company custodians of records (Attachment II). The letters describe DHS recommendations for worker health and safety in the adult film industry, including consistent condom use for all sex acts. The letters to the custodians of records also enumerate recommendations related to HAV and HBV vaccination, routine periodic HIV/STD screening, and worker education. The letters also inform adult industry employers of the pending model Exposure Control Plan being developed by DHS, Cal/OSHA, NIOSH, CDC, and state DHS, and offered technical assistance by DHS.

**Next steps:**

In addition to the ongoing investigations noted above, the next steps will include finalization of the model ECP, and dissemination of this model plan to industry employers. DHS will also continue to work with the state Labor and Workforce Development Agency and state DHS on education materials, including web-based information, for adult film industry employers and workers. DHS will also review the NIOSH report when it is issued, and take appropriate action based on the report's recommendations.

We will continue to advise the Board of developments in this area periodically. If you have any questions or need additional information, please let either of us know.

TLG:JEF:pk  
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**Attachments**

c: Chief Administrative Officer  
County Counsel  
Executive Officer, Board of Supervisors